

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,

Plaintiff,

v.

S. GATES, and DR. BOBBALA,

Defendants.

Case No. 1:21-cv-01343-KES-CDB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
CROSS MOTIONS FOR SUMMARY
JUDGMENT**

Docs. 64, 65, 79

Plaintiff Frank Monaco Bazzo is a state prisoner proceeding pro se in this civil rights action filed under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The parties filed cross-motions for summary judgment. Docs. 64, 65. On April 11, 2025, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion for summary judgment be denied and that defendants' motion for summary judgment be granted. Doc. 79. The findings and recommendations concluded that plaintiff failed to establish in his motion for summary judgment, and failed to create a genuine dispute of material fact in opposition to defendants' motion for summary judgment, that either defendant played any role in the alleged constitutional violations that plaintiff suffered. *See id.*

The magistrate judge provided fourteen (14) days within which any party could file objections to the findings and recommendations. *Id.* at 32. Plaintiff filed objections to the

1 findings and recommendations on April 28, 2025. Doc. 80. Defendants filed a response to the
2 objections on May 12, 2025, and plaintiff submitted a further filing in response on June 4, 2025.
3 Docs. 81, 82.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de
5 novo review of this case. Having carefully reviewed the file, including plaintiff's objections and
6 the parties' further filings, the Court concludes that the findings and recommendations are
7 supported by the record and proper analysis. Plaintiff's objections restate arguments that were
8 properly rejected in the findings and recommendations and fail to identify any evidence that could
9 create a genuine dispute of material fact as to whether either defendant played any role in the
10 alleged constitutional violations that he suffered.

11 Accordingly,

- 12 1. The findings and recommendations issued on April 11, 2025, Doc. 79, are ADOPTED
13 in full;
- 14 2. Plaintiff's motion for summary judgment, Doc. 64, is DENIED;
- 15 3. Defendants' motion for summary judgment, Doc. 65, is GRANTED; and
- 16 4. The Clerk of the Court is directed to enter judgment and close this case.

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19 IT IS SO ORDERED.

20 Dated: July 27, 2025



UNITED STATES DISTRICT JUDGE